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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ARSENIO COLOMA and PRISCILLA
COLOMA,

PLAINTIFFS,

v.

UNITED STATES OF AMERICA;
JEFFREY J. CARTER, an individual,
and DOES 1-10, inclusive,

Defendants.

Case No.:

COMPLAINT FOR DAMAGES

1. NEGLIGENCE (“FTCA”); and
2. LOSS OF CONSORTIUM.

COME NOW Plaintiffs ARSENIO COLOMA and PRISCILLA
COLOMA, who complain of Defendants THE UNITED STATES OF
AMERICA, JEFFREY J. CARTER, and/or DOES 1-10, and each of them, and
allege by their counsel as follows:

PARTIES

1. At all relevant times, Plaintiff ARSENIO COLOMA was, and is, a
resident of the State of California, County of Los Angeles. At all relevant times,
Plaintiff PRISCILLA COLOMA was, and is, the wife of Plaintiff ARSENIO

1 COLOMA.

2 2. Defendant THE UNITED STATES OF AMERICA is a sovereign
3 government amenable to suit for civil liability under the Federal Torts Claims Act
4 (“FTCA”), 28 U.S.C. § 2671, *et seq.*

5 3. Upon information and belief, Defendant JEFFREY J. CARTER was,
6 at all relevant times, a resident of the State of California, County of Los Angeles.

7 4. At all relevant times, Defendant JEFFREY J. CARTER was employed
8 by Defendant UNITED STATES OF AMERICA through the United States Postal
9 Service, and was acting in the course and scope of his employment for that
10 government entity.

11 5. Upon information and belief, Defendants, and DOES 1-3, inclusive,
12 and each of them, were, at all relevant times, officers, directors, agents, members,
13 managers, supervisors, and/or employees of Defendant UNITED STATES OF
14 AMERICA, and/or of other government entities in the State of California, County
15 of Los Angeles, involved in causing the collision that injured Plaintiff ARSENIO
16 COLOMA on or about October 13, 2020.

17 6. Upon information and belief, Defendant DOES 4-6, inclusive, and
18 each of them, at all relevant times, owned, operated, maintained, controlled,
19 supervised, and/or entrusted the vehicle that collided with Plaintiff ARSENIO
20 COLOMA on or about October 13, 2020, and/or were otherwise involved in
21 causing that collision.

22 7. Upon information and belief, Defendant DOES 7-10, inclusive, and
23 each of them, at all relevant times, owned, operated, maintained, controlled,
24 supervised, and/or entrusted other vehicles involved in causing the collision that
25 injured Plaintiff ARSENIO COLOMA on or about October 13, 2020, and/or were
26 otherwise involved in causing that collision.

27 8. Plaintiffs are ignorant of the true names and capacities of the
28 defendants sued as DOES 1-10, inclusive, and therefore sue these defendants by

1 fictitious names. Plaintiffs will amend this Complaint to allege their true names
2 and capacities when these are discovered. Upon information and belief, each of
3 the fictitiously-named defendants is responsible in some manner for the
4 occurrences alleged, and for the damages suffered by Plaintiffs.

5 9. At all relevant times, the acts of any DOE Defendants that were
6 business entities or unincorporated associations—and/or the alter egos, successors,
7 or successors-in-interest thereof—were duly authorized, ordered, and/or directed
8 by the defendant’s officers, directors, managers, and/or employees, and those DOE
9 Defendants participated in the acts and conduct of their employees, agents, and
10 representatives, and each of them, and the defendant business entities individually
11 and collectively ratified, accepted the benefits of, condoned, lauded, acquiesced,
12 approved, and/or consented to, the acts and omissions of their corporate
13 employees, managing agents, directors, executives, and representatives. At all
14 relevant times, the business entity defendants retained the ability to exercise, and in
15 fact exercised, substantial control, whether contractual, actual, implied, or
16 otherwise, over the means and manner in which the remaining defendants
17 conducted their business, and had the power to influence the remaining defendants.

18 10. As to any DOE Defendants subject to “alter ego liability,” Plaintiffs
19 allege upon information and belief that, at all relevant times, there existed such a
20 unity of interest and ownership among those defendants, such that any separateness
21 ceased to exist, and such that one defendant was a mere shell or instrumentality
22 through which the other defendants carried out their business, and that each
23 defendant exercised such complete control over the other and so dominated it to
24 achieve individual goals, and so ignored business formalities, that any separateness
25 was merely a fiction, and did not in fact exist, and as such. If Plaintiffs allege acts
26 or omissions against one such defendant, Plaintiffs further allege that that
27 defendant also acted on behalf of its alter egos; injustice would result but for the
28 finding of alter ego liability as to those defendants, and this Court should therefore

1 pierce the corporate veils for those defendants.

3 JURISDICTION AND VENUE

4 11. This Court has jurisdiction over Plaintiffs' claims for money damages
5 against Defendant UNITED STATES OF AMERICA under: 28 U.S.C. § 1331 (as
6 Plaintiffs' claims arise under the Federal Tort Claims Act (FTCA); 28 U.S.C.
7 § 2671, *et seq.*; and 28 U.S.C. § 1346(b)(1).

8 12. Venue in this judicial district is proper under 28 U.S.C. § 1402(b),
9 because this is the judicial district where the Plaintiffs reside, as well as the judicial
10 district where the acts or omissions complained of occurred.

11 13. Plaintiffs filed Administrative Claims for negligence, personal
12 injuries, and property damage on June 8, 2021 with: the United States Postal
13 Service National Tort Center; the United States Postal Service, Los Angeles
14 District; the United States Postal Service, Gardena Office; and the Federal Tort
15 Claims Act Section/Torts Branch, Civil Division, United States Department of
16 Justice. Neither Defendant UNITED STATES OF AMERICA nor the recipients
17 above have either accepted, denied, or otherwise responded to Plaintiffs'
18 Administrative Claims; those claims are thus deemed denied under 28 U.S.C.
19 § 2675(a). Plaintiffs' Complaint for Damages is thus timely filed under 28 U.S.C.
20 § 2401(b).

21 GENERAL ALLEGATIONS

22 14. On October 13, 2020, Defendant JEFFREY J. CARTER, and/or
23 DOES 4-6, and each of them, was operating a vehicle owned, maintained,
24 controlled, and/or entrusted to him by Defendant UNITED STATES OF
25 AMERICA, and/or DOES 1-3, and each of them.

26 15. On October 13, 2020, Defendant JEFFREY J. CARTER, and/or
27 DOES 4-6, and each of them, and was operating the United States Postal Service
28 vehicle within the course and scope of his employment with Defendant UNITED

1 STATES OF AMERICA, and/or DOES 1-3.

2 16. At around 11 p.m. on October 13, 2020, in or near the city of
3 Gardena, California, Defendant JEFFREY J. CARTER, and/or DOES 4-6, while
4 driving the United States Postal Service vehicle, caused a collision with a vehicle
5 driven by Plaintiff ARSENIO COLOMA.

6 17. Plaintiff ARSENIO COLOMA thereby sustained serious injuries.

7 18. While within the course and scope of his employment with Defendant
8 UNITED STATES OF AMERICA, and/or DOES 1-3, Defendant JEFFREY J.
9 CARTER, and/or DOES 4-6, violated rules of the road set forth in statutes,
10 ordinances, or regulations, including, but not limited to, sections of the California
11 Vehicle Code, causing an injury to Plaintiff ARSENIO COLOMA that those
12 statutes, ordinances, or regulations were designed to prevent. Defendant JEFFREY
13 J. CARTER, and/or DOES 4-6, acted in a negligent and reckless manner, and with
14 disregard for the safety, rights, and well-being of others, including Plaintiff
15 ARSENIO COLOMA.

16 19. At all relevant times, Defendant UNITED STATES OF AMERICA,
17 and/or DOES 1-3, was the owner, registrant, lessor, lessee, bailor and/or bailee of
18 the vehicle operated by Defendant JEFFREY J. CARTER, and/or DOES 4-6. At
19 all relevant times, Defendant UNITED STATES OF AMERICA, and/or DOES 1-
20 3, expressly or impliedly permitted the Defendant JEFFREY J. CARTER, and/or
21 DOES 4-6, and each of them, to use this vehicle.

22 20. At all relevant times, Defendant UNITED STATES OF AMERICA,
23 and/or DOES 1-3, retained and/or exercised actual, implied, and/or contractual
24 control over the day-to-day operations of the driver of the United States Postal
25 Service vehicle, by and through its agents, servants, and by means of policies and
26 procedures related to such things as employee/operator hiring, retention, training,
27 and supervision.
28

FIRST CAUSE OF ACTION -- NEGLIGENCE (FTCA)

(Against All Defendants and DOES 1-10)

21. Plaintiffs restate and incorporate by reference all allegations contained in the prior paragraphs of this Complaint.

22. Upon information and belief, on or about October 13, 2020, Defendants UNITED STATES OF AMERICA, JEFFREY J. CLARK, and/or DOES 1-10, and each of them, owed a duty of care to Plaintiff ARSENIO COLOMA.

23. Upon information and belief, Defendants UNITED STATES OF AMERICA, JEFFREY J. CLARK, and/or DOES 1-10, and each of them, breached duties of care on or about October 13, 2020, in or near the city of Gardena, California, by, among other things, negligently or recklessly owning, operating, maintaining, controlling, supervising, and/or entrusting a United States Postal Service vehicle, such that, among other things, the vehicle violated statutes, ordinances, and/or regulations, including, but not limited to, sections of the California Vehicle Code, causing an injury to Plaintiff ARSENIO COLOMA that those statutes, ordinances, or regulations were designed to prevent, and/or Defendants breached other duties of care causing the collision that injured Plaintiff.

24. Upon information and belief, the negligence and/or recklessness of Defendants UNITED STATES OF AMERICA, JEFFREY J. CLARK, and/or DOES 1-10, and each of them, legally, directly, and proximately caused the incident, and the injuries and damages suffered by Plaintiff ARSENIO COLOMA, in a sum in excess of the jurisdictional limits of this Court, which will be stated according to proof at the time of trial. As a legal, direct, and proximate result of the conduct of Defendants UNITED STATES OF AMERICA, JEFFREY J. CLARK, and/or DOES 1-10, and each of them, Plaintiff ARSENIO COLOMA sustained property damage, and was injured in his health, strength, and activity,

1 sustaining injury to the body and shock and injury to the nervous system and
 2 person, all of which have caused, and continue to cause, Plaintiff great physical
 3 and mental pain, suffering, and anguish, all to his general damage in a sum in
 4 excess of the minimal jurisdictional requirements of the Court, according to proof
 5 at the time of trial. As a legal, direct, and proximate result of the conduct of
 6 Defendants UNITED STATES OF AMERICA, JEFFREY J. CLARK, and/or
 7 DOES 1-10, and each of them, Plaintiff ARSENIO COLOMA was required to, and
 8 did, employ physicians, surgeons, nurses, and other medical practitioners, and was
 9 required to, and did, incur medical and incidental expenses, in an amount to be
 10 shown according to proof at the time of trial.

11 **SECOND CAUSE OF ACTION -- LOSS OF CONSORTIUM**
 12 **(Against All Defendants and DOES 1-10)**

13 25. Plaintiffs restate and incorporate by reference all allegations contained
 14 in the prior paragraphs of this Complaint.

15 26. At all relevant times, Plaintiffs ARSENIO COLOMA and
 16 PRISCILLA COLOMA were husband and wife. Before Plaintiff ARSENIO
 17 COLOMA was injured due to the actions of Defendants UNITED STATES OF
 18 AMERICA, JEFFREY J. CLARKE, and/or DOES 1-10, and each of them,
 19 Plaintiff ARSENIO COLOMA was able to, and did, perform his duties as a
 20 spouse. After being injured due to the actions of Defendants, and as a proximate
 21 result thereof, Plaintiff ARSENIO COLOMA was unable to perform the necessary
 22 duties of a spouse. As a direct and proximate result of the conduct of Defendants
 23 UNITED STATES OF AMERICA, JEFFREY J. CLARKE, and/or DOES 1-10,
 24 and each of them, and the injuries sustained by Plaintiff ARSENIO COLOMA,
 25 Plaintiff PRISCILLA COLOMA has suffered a loss of consortium, including the
 26 loss of the love, companionship, comfort, society, services, and affection of her
 27 husband, Plaintiff ARSENIO COLOMA, all to her damage in an amount in excess
 28 of the jurisdictional limits of this Court, according to proof at the time of trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff PRISCILLA COLOMA prays for relief as follows:

1. For damages for loss of consortium.

WHEREFORE, Plaintiff ARSENIO COLOMA prays for relief as follows:

2. For special damages, according to proof at the time of trial;

3. For general damages, according to proof at the time of trial;

4. For an award of costs and/or fees, as permitted by law;

5. For an award of pre-judgment and post-judgment interest as permitted
by law; and

6. For all such other and further relief that this Court may deem just and
proper.

DATED: April 7, 2022

DOYLE LAW, APC

By: /s/ Conal Doyle

Attorneys for Plaintiffs